

REMARKS

The Office Action dated November 1, 2010 ("Office Action"), has been received and carefully considered. Claims 1-24 are currently pending. Claims 1, 4-6, 10, 14, 16, 20, 21, 23, and 24 have been amended. No new matter has been added. Entry of the amendments to claims 1, 4-6, 10, 14, 16, 20, 21, 23, and 24 is respectfully requested. In view of the following remarks, reconsideration and allowance of all of the claims pending in the application is also respectfully requested.¹

I. THE NON-STATUTORY REJECTION OF CLAIMS 1-9 IS MOOT

On page 4 of the Office Action, claims 1-9 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. This rejection is rendered moot in view of the current amendments. Applicant respectfully submits that this rejection is rendered moot in view of the current amendments.

In view of the foregoing, Applicant respectfully requests that the aforementioned non-statutory subject matter rejection of claims 1-9 be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 1-3, 8, 9, AND 20 IS MOOT

On page 5 of the Office Action, claims 1-3, 8, 9, and 20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (*e.g.*, assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes, or whether an element is old and well known) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

2004/0039730 to Saeki ("Saeki") in view of U.S. Patent Application Publication No. 2002/0032740 to Stern et al. ("Stern") and further in view of U.S. Patent No. 6,212,516 to Kobayashi et al. ("Kobayashi"). This rejection is rendered moot in view of the current amendments.

Regarding claim 1, the Office Action asserts that Saeki, Stern, and Kobayashi disclose an embodiment of the claimed invention. However, Applicant has amended independent claim 1 and thus render the aforementioned obviousness rejection of independent claim 1 moot. Applicant respectfully submits that neither the cited portions of Saeki, Stern, and Kobayashi, nor Saeki, Stern, and Kobayashi generally, disclose, or even suggest, "a statement assembly module using the programmed computer processor for populating the syntax pattern, in the automated process with an argument data set associated with parameters that specify information of a desired data set and the desired function provided to the statement assembly module as part of the process of generating the one or more query language statements, wherein the argument data set is mapped to positions within the syntax pattern to generate the one or more query language statements," and "at least one query language statement having a tree query structure generated based at least in part on the parameters that specify information of the desired data set is assembled to be run against a data source to return the desired data set," as recited in independent claim 1.

In contrast, Saeki merely discloses a database retrieval processing section that executes one or more normalized query statements. *See, e.g.,* Saeki, paragraph [0066]. Also, Saeki discloses that a database query statement is generated by automatically replacing a variable part of a syntax pattern with an effective expression according to a result of analysis of a retrieval request. *See, e.g.,* Saeki, paragraph [0080]. Thus, Saeki, at most, discloses a query statement is generated by automatically replacing a variable part of a syntax pattern and fails to disclose, or even suggest, "a statement assembly module using the programmed computer processor for populating the syntax

pattern, in the automated process with an argument data set associated with parameters that specify information of a desired data set and the desired function provided to the statement assembly module as part of the process of generating the one or more query language statements, wherein the argument data set is mapped to positions within the syntax pattern to generate the one or more query language statements,” as recited in claim 1.

Also, the Office Action asserts, and Applicant agrees, that Stern fails to disclose, or even suggest, at least one query language statement having a tree query structure generated based at least in part on the parameters that specify information of the desired data set. Moreover, Kobayashi fails to remedy the deficiencies of Saeki and Stern. In the Response to Argument section of the Office Action, the Office asserts that Kobayashi discloses such feature because Kobayashi discloses an input of the execution procedure. Applicant respectfully disagrees. In particular, Kobayashi discloses that the determination of the input parameter made by the request reception server executing the plug-in module under the control of the parameter bind control unit is called the “parameter bind.” *See, e.g.,* Kobayashi, column 8, lines 55-59. Also, Kobayashi discloses that the execution procedure code pattern is represented by a tree structure having, as its elements, a plurality of processing nodes which instruct a control of an associated execution. *See, e.g.,* Kobayashi, column 16, lines 63-66. Further, Kobayashi discloses that the execution procedure code creation unit searches for a node which instructs an external function call, and searches for parameters associated with the external function, when such a node instructing an external function call is found, to confirm whether or not the parameter bind has been specified in the external function. *See, e.g.,* Kobayashi, column 18, lines 16-25. Thus, Kobayashi, at most, discloses that the determination of the input parameters (e.g., “parameter bind”) may be based on parameters of identified external function and fails to disclose, or even suggest, “at least one query language

statement having a tree query structure generated based at least in part on the parameters that specify information of the desired data set is assembled to be run against a data source to return the desired data set,” as recited in claim 1. Accordingly, Applicant respectfully submits that claim 1 should be allowable over Saeki, Stern, and Kobayashi.

Regarding claims 2, 3, 8, and 9, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2, 3, 8, and 9 should also be allowable at least by virtue of its dependency on independent claim 1.

Regarding independent claim 20, while different in overall scope from claim 1, this claim recites subject matter related to independent claim 1. Thus, the arguments set forth above with respect to independent claim 1 are equally applicable to claim 20. Accordingly, Applicant respectfully submits that claim 20 is allowable over Saeki, Stern, and Kobayashi for the same reasons as set forth above with respect to independent claim 1.

In view of the foregoing, Applicant respectfully submits that Saeki, Stern, and Kobayashi fail to teach each and every limitation of claims 1-3, 8, 9, and 20 and therefore the aforementioned obviousness rejection should be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 4-7, 10-19, AND 21-24 IS MOOT

On page 10 of the Office Action, claims 4-7, 10-19, and 21-24 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2004/0039730 to Saeki (“Saeki”) in view of U.S. Patent No. 6,212,516 to Kobayashi et al. (“Kobayashi”). This rejection is rendered moot in view of the current amendments.

Regarding claim 4, the Office Action asserts that Saeki and Kobayashi disclose an embodiment of the claimed invention. However, Applicant has amended independent claim 4 and

thus render the aforementioned obviousness rejection of independent claim 4 moot. Applicant respectfully submits that neither the cited portions of Saeki and Kobayashi, nor Saeki and Kobayashi generally, disclose, or even suggest, “a statement assembly module using the programmed computer processor for populating the syntax pattern with an argument data set associated with parameters that specify information of a desired data set and the desired function, wherein the argument data set is mapped to positions within the syntax pattern to generate the one or more query language statements,” and “at least one query language statement having a tree query structure generated based at least in part on the parameters that specify information of the desired data set is assembled to be run against a data source to return the desired data set,” as recited in independent claim 4.

In contrast, Saeki merely discloses a database retrieval processing section that executes one or more normalized query statements. *See, e.g.*, Saeki, paragraph [0066]. Also, Saeki discloses that a database query statement is generated by automatically replacing a variable part of a syntax pattern with an effective expression according to a result of analysis of a retrieval request. *See, e.g.*, Saeki, paragraph [0080]. Thus, Saeki, at most, discloses a query statement is generated by automatically replacing a variable part of a syntax pattern and fails to disclose, or even suggest, “a statement assembly module using the programmed computer processor for populating the syntax pattern with an argument data set associated with parameters that specify information of a desired data set and the desired function, wherein the argument data set is mapped to positions within the syntax pattern to generate the one or more query language statements,” as recited in claim 4.

Also, Kobayashi fails to remedy the deficiencies of Saeki. In particular, Kobayashi fails to disclose, or even suggest, at least one query language statement having a tree query structure generated based at least in part on the parameters that specify information of the desired data set. In

the Response to Argument section of the Office Action, the Office asserts that Kobayashi discloses such feature because Kobayashi discloses an input of the execution procedure. Applicant respectfully disagrees. In particular, Kobayashi discloses that the determination of the input parameter made by the request reception server executing the plug-in module under the control of the parameter bind control unit is called the “parameter bind.” *See, e.g.*, Kobayashi, column 8, lines 55-59. Also, Kobayashi discloses that the execution procedure code pattern is represented by a tree structure having, as its elements, a plurality of processing nodes which instruct a control of an associated execution. *See, e.g.*, Kobayashi, column 16, lines 63-66. Further, Kobayashi discloses that the execution procedure code creation unit searches for a node which instructs an external function call, and searches for parameters associated with the external function, when such a node instructing an external function call is found, to confirm whether or not the parameter bind has been specified in the external function. *See, e.g.*, Kobayashi, column 18, lines 16-25. Thus, Kobayashi, at most, discloses that the determination of the input parameters (e.g., “parameter bind”) may be based on parameters of identified external function and fails to disclose, or even suggest, “at least one query language statement having a tree query structure generated based at least in part on the parameters that specify information of the desired data set is assembled to be run against a data source to return the desired data set,” as recited in claim 4. Accordingly, Applicant respectfully submits that claim 4 should be allowable over Saeki and Kobayashi.

Regarding independent claims 5, 6, 10, 14, 16, 21, 23 and 24, while different in overall scope from claim 4, these claims recite subject matter related to independent claim 4. Thus, the arguments set forth above with respect to independent claim 4 are equally applicable to claims 5, 6, 10, 14, 16, 21, 23 and 24. Accordingly, Applicant respectfully submits that claims , 6, 10, 14, 16,

21, 23 and 24 are allowable over Saeki Kobayashi for the same reasons as set forth above with respect to independent claim 4.

Regarding claims 7, 11-13, 15, 17-19, and 22, these claims are dependent upon independent claims 6, 10, 16, and 21. Thus, since independent claims 6, 10, 16, and 21 should be allowable as discussed above, claims 7, 11-13, 15, 17-19, and 22, should also be allowable at least by virtue of its dependency on independent claims 6, 10, 16, and 21.

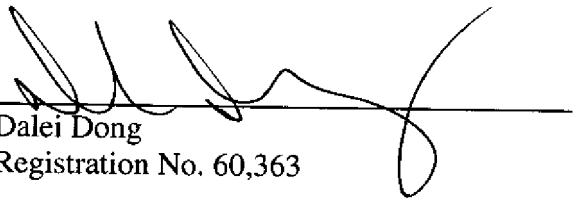
In view of the foregoing, Applicant respectfully submits that Saeki and Kobayashi fail to teach each and every limitation of claims 4-7, 10-19, and 21-24 and therefore the aforementioned obviousness rejection should be withdrawn.

CONCLUSION

Applicant respectfully submits that this application and all pending claims are in condition for allowance and such disposition is earnestly solicited. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no additional fees are due for filing this Response. However, if it is determined otherwise, please charge or credit any variance to Deposit Account No. 50-0206.

Respectfully submitted,



Dalei Dong
Registration No. 60,363

Hunton & Williams LLP
1900 K Street, NW
Washington, D.C. 20006-1109
(202) 955-1500 (phone)
(202) 778-2201 (facsimile)

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